



Comments to the EPA CSTAG

November 14, 2019

The Passaic River Community Advisory Group (CAG) appreciates the opportunity to provide comments to the CSTAG regarding the Remedial Investigation/Feasibility Study for the Proposed Interim Remedy for the Upper Nine Miles of the Lower Passaic River Superfund cleanup project.

The Passaic River CAG has been working to understand and provide community input on the Superfund Cleanup since 2009. We represent a broad spectrum of stakeholders from throughout the region. Our core values (attached) center on the protection of public health and the environment and the restoration of the Passaic River to its full environmental, community, economic, and recreational potential. We have always worked with EPA with a spirit of respect and collaboration and approach this input accordingly.

In preparation of these comments, the CAG was provided a brief presentation and a 13-page written summary of the RI/FS report. As was also the case in 2018, the CAG would need more detailed information about, and access to the data inputs and modeling assumptions and results developed by the EPA, before we can develop a fully informed set of recommendations on the RI/FS, or provided unqualified support to the proposed approach.

The CAG appreciates the work of the CSTAG in 2018 and the improvements that have resulted to the proposed interim remedy since the 2018 CSTAG meeting. We continue to support the concept of early action and removal of the major contamination in the river to accelerate the recovery of the river sediments, flora, and fauna.

However, we continue to have concern that interim action if not properly approached, could undermine the long-term achievement of cleanup levels that are necessary to protect human health and the environment. Specifically, how effectiveness of interim action and evaluation of ultimate cleanup levels are determined, evaluated, and ultimately implemented are the primary concern of the CAG. We strongly believe that there will be strong long-term inertia to rely on any interim action as ultimately "good enough." The cost and opportunity of remobilization a decade or more from now to clean up a few spots or even more work that may be needed will be another challenge for another set of scientists and stakeholders. We are not confident that it will be done. As such, we feel strongly that this interim remedy be planned and implemented as robustly as reasonably possible.

The CAG appreciates the opportunity to share the community's observations, concerns, and questions based on what we know and understand to date. Frankly, this understanding has not changed much from our 2018 analysis. Ultimately, there must be a robust and transparent process for evaluating the performance of any interim remedy and the identification of any final actions needed to achieve full protection of human health and the environment. The available information still does sufficiently not make this case.

Many of the issues and topics that frame our comments remain the same as we presented in 2018. Specific concerns are outlined below.

Data and Modeling

Beyond some additional bathymetry data, little new data has been collected in the past 18 months. The entire interim remedy concept is dependent on identifying and confining the pockets of contamination that are present. We do recognize that more sampling is planned and will be necessary to prepare a full design. The CAG would like to better understand the approach and level of sampling to be conducted and how this new data will be used in final decision making. We believe it is essential that a reasonable grid-based sampling is conducted to fully define the nature and extent of contamination and make appropriate cleanup decisions. No reasonable support for the final decision can be provided before we gain this understanding. The CAG strongly feels that any final decisions must be dependent on the sampling results and modelling that is conducted based on those results, and would like to have the opportunity to discuss and comment on this enhanced understanding of the river and the resulting decisions.

SWAC and Remedial Alternatives

Overall, the CAG supports the SWAC concept that EPA has identified. However, as noted above, it is essential that we identify and address the right areas of contamination. The FS summary we have reviewed, shows little incremental value as SWACs move from 85 ppt to 65 ppt. However, we do feel strongly that even though this is an interim remedy, long-term effectiveness needs to be a more significant consideration in evaluating the SWAC. Overall, there is a lack of data and modeling to fully support the evaluation of the proposed remedial alternatives. The CAG would like to see a more robust evaluation to understand how different SWACs will impact the areas requiring source removal.

Effectiveness of Capping in the Upper Nine Miles

We understand the potential and challenges of the bank-to-bank capping in the lower eight miles and providing support for this approach was not without some reservations. We believe that the hot spot capping in the upper nine miles will be even more challenging. The CAG and the community will require much more detailed information on the engineering and installation of hot spot caps before we are confident that they present a long-term solution to this contamination.

Natural Resource Restoration

The restoration of the river is of paramount concern to the community. We want to make sure that an interim approach does not result in limited attention to species recovery and natural resource restoration. Conversely, an interim remedy creates the opportunity to accelerate these goals as well. Full attention must be paid to all important species in bringing the Passaic River back to a more natural state and the remedy needs to protect marine mammals and species listed under the Endangered Species Act. We strongly encourage EPA to work with its natural resource partners to explore ways to include restoration work in conjunction with the interim remedy to accelerate restoration along with an expedited cleanup approach.

Monitoring and Final Decision

Monitoring of an interim remedy takes on added significance as it is essential to determining if interim actions are sufficient or more action must be taken. The CAG and the community continue to require a more detailed understanding of how such monitoring will be designed, how final effectiveness of the interim remedy will be evaluated, and how the final ROD will be structured to ensure that this evaluation will be robust and followed through.

Ongoing Community Involvement

The CAG has always appreciated the level of interaction EPA has had with the community on this cleanup. We believe that the scope and uncertainty of this interim remedy present a bigger challenge to decision-making than the more permanent approach of the lower eight. As such, some of the key decision points will possibly occur post-ROD and even well into the future. It is important that a long-term community engagement process is considered as part of this process.



PASSAIC RIVER
Community Advisory Group

PASSAIC COMMUNITY CORE VALUES

Protection of Public Health

- Design all decisions and activities to protect the health and safety of residents, visitors, and workers.

Environmental Protection and Restoration

- Make all decisions in light of a long-term goal to eventually return the river to a fishable, swimmable condition
- Restore the Passaic to a living river and a viable natural resource, with coordinated short and long-term efforts to conduct wetlands, habitat, and wildlife restoration
- Place a high priority on locating natural resource restoration activities in the local communities that have been directly affected by the long-term pollution of the river
- Protect against cross contamination to air, groundwater, and other environmental media
- Clean sediments to a level that supports the above conditions and limits the potential for recontamination.

Economic Benefits

- Plan and manage activities in order to protect ongoing commercial uses of the river
- Create living wage jobs for local residents to the maximum extent possible
- Engage local businesses in cleanup, restoration, and long-term stewardship activities to the maximum extent possible
- Incentivize and support environmentally sustainable development of waterfront properties
- Recognize the long-term economic value of creating recreational, park, and open space along the river as part of the cleanup and restoration process
- Strike an appropriate balance between sustainable business and river restoration
- Design all new development and redevelopment with the river in mind, creating connections to the river, presenting a useful and attractive front to the river, and taking into account river views and uses.

Community Benefits

- Enhance area aesthetics through river beautification and litter removal
- Protect local culture and heritage
- Preserve and memorialize the decisions and information regarding the CAG in order to take into account, reflect, and help to communicate the history of the community and the river
- Enhance and maintain the positive perception of the local community
- Provide positive physical and societal connections between people and the river
- Engage in ecological education for local residents, and particularly for youth
- Recognize the importance of environmental justice in all decisions and activities.

Recreational Opportunities

- Develop greenways, parkland, recreational opportunities, open space, and natural areas along and connected to the river
- Create convenient, attractive, sustainable, and safe public access for both passive and active recreation along and on the river, including non-motorized boating.

Cleanup Process Effectiveness

- Ensure positive stewardship of the cleanup process by supporting community information, interest, and involvement, and listening to their concerns
- Ensure transparency and effective communication of all cleanup information and openness in information exchange
- Work in partnership with all stakeholders, including the community, to address issues and solve problems
- Expedite and prioritize cleanup decisions and action to realize near-term results for river restoration, access, and use
- Consider the full range of alternatives for cleanup and restoration, maintaining a strong overall focus on the long-term goals for river restoration.